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Serial no. 10/736,155 - Hatfield et al.

APR 24 2008

Remarks

Claims 1-8 and 10-12 are now of record in this application. Claim 9 has been cancelled. No claims have been amended or added. Applicants reserve the right to file a continuation application drawn to the subject matter of cancelled claim 9.

Entry of the amendment is requested to place the instant application in condition for allowance or reduce the issues on appeal, and specifically to overcome the single remaining rejection of record. The amendment was not presented earlier because applicants believed that the claims as previously presented satisfied the requirements of §112. Although applicants believe that the previously submitted Amendment After Final Rejection was proper and did not introduce new matter, the sole rejected claim, claim 9, has been cancelled in an effort to expedite prosecution.

Because the amendment does not amend any existing claims or introduce any new claims, applicants believe that the amendment does not raise any new issues that would require further consideration or search. Entry is respectfully requested.

Allowed Claims

Applicants kindly thank the Examiner for indicating that claims 1-8 and 10-12 are allowed.

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Rejection Under 35 U.S.C. 112, First Paragraph

Claim 9 has been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Examiner has taken the position that the term "fresh weight" is new matter. Applicants respectfully disagree.

As noted above, although applicants believe that the amendment and remarks presented in the previously submitted Amendment After Final Rejection were proper, the rejected claim has been amended in an effort to expedite prosecution.

In view of the foregoing, applicants respectfully submit that claims 1-8 and 10-12 satisfy the requirements of 35 U.S.C. 112, and allowance thereof is respectfully requested.

Respectfully submitted,

  
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